



## "Do I Need a Permit?"

- *Definition of Animal Feeding Operation*
- *Criteria for Determining Permit Requirements*
- *Wintering Operations*
- *Application Deadlines*
- *Available Assistance*

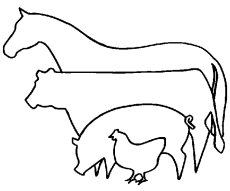
### Do I need a permit for my animal feeding operation?

Whether or not a permit is needed depends on the size, location and type of livestock operation. For example, a permit is not required for pasture operations, but a permit may be required for facilities defined as "animal feeding operations." An animal feeding operation (AFO) is defined as a lot or facility where:

1. Animals are or will be confined for 45 days or more during any 12-month period; and
2. Livestock are concentrated such that the normal vegetation (grass or crops) are not sustained (winter or summer). Weeds are not considered normal vegetation.

Due to their size, large concentrated animal feeding operations (CAFOs) are required to obtain a federally mandated wastewater discharge permit known as a North Dakota Permit Discharge Elimination System (NDPDES) permit. Please see the following table for a description of large, medium and small AFOs.

**Feeding Operations Defined by Size**

Large (CAFO)	Medium AFO	Small AFO
<p>An AFO with greater than or equal to:</p> <p>700 dairy cows  1,000 veal calves  1,000 other cattle  2,500 swine &gt; 55 lbs  10,000 swine &lt; 55 lbs  500 horses  10,000 sheep or lambs  55,000 turkeys <sup>1</sup></p>	<p>An AFO with:</p> <p>200 to 699 dairy cows  300 to 999 veal calves  300 to 999 other cattle  750 to 2,499 swine &gt; 55lbs  3,000 to 9,999 swine &lt; 55lbs  150 to 499 horses  3,000 to 9,999 sheep or lambs  16,500 to 54,999 turkeys <sup>1</sup></p>	<p>An AFO with fewer livestock than a medium AFO.</p> 

<sup>1</sup>Poultry operations with wet-manure handling systems have different criteria. Contact the North Dakota Department of Health Division of Water Quality for more information.

### I operate a large CAFO. When do I have to apply for an NDPDES permit?

Feb. 12, 2006, is the application deadline. The deadline for implementing permit requirements is Dec. 31, 2006.

**What if I have fewer livestock in my AFO than the numbers listed for a large CAFO?**

Different criteria come into play for medium and small AFOs. Medium AFOs (for example, a beef feeding operation with 300 to 999 animals) are required to apply for a North Dakota state livestock permit if:

1. The AFO is within 1/4 mile of a surface water (e.g., stream, river, lake, wetland); or
2. Livestock waste from the AFO is impacting or likely to impact surface or ground water.



If a medium AFO is located within 1/4 mile of a surface water and shows no potential to pollute, the department can issue a "No Potential to Pollute" determination, and a permit will not be required.

**My medium AFO is more than a 1/4 mile from any surface water. Do I still need a permit?**

Medium AFOs located more than 1/4 mile from a surface water must apply for a permit if they pollute or are determined to have the potential to pollute surface or ground water. Medium AFOs located more than 1/4 mile from a surface water that do not pollute or do not have the potential to pollute surface or ground water do not need to apply for a permit.

**Are there any requirements for AFOs with fewer than 300 animals?**

A small AFO will require a permit if it is determined by the department that the operation is polluting or has the potential to pollute surface or ground water.

**What are the deadlines for medium or small AFOs?**

July 1, 2008, is the application deadline. The implementation deadline for medium and small feeding AFOs is based on the construction schedule submitted with the application.

**What if I operate a medium or small AFO but only feed animals during the winter months? Do I still need a permit?**

A permit may be required if a wintering operation is polluting or likely to cause pollution to surface or ground water and meets the definition of an AFO; that is:

1. Animals are or will be confined for a total of 45 days or more during any 12-month period; and
2. Livestock are concentrated such that the normal vegetation (grass or crops) are not sustained (winter or summer). Weeds are not considered normal vegetation.

**Where can I get assistance or more information?**

Contact the Division of Water Quality, North Dakota Department of Health, 1200 Missouri Ave., Bismarck, ND 58502-5520; phone: 701.328.5208; or visit the department's website at: [www.health.state.nd.us/wq/AnimalFeedingOperations/AFOProgram.htm](http://www.health.state.nd.us/wq/AnimalFeedingOperations/AFOProgram.htm).



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